

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GENECZKO, Jeannie et al.

TC/AU: 2884

Serial No. 10/589,525

Examiner: HANNAHER, Constantine

Filing or 371 (c) Date: 08/15/2006

Dkt No: 20040027-US

For: MULTI-SPECTRAL UNCOOLED MICROBOLOMETER DETECTORS

To: Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Fr:

42716

Commissioner:

Request for Continued Examination

Under 37 CFR 1.114

Applicant respectfully requests the Office accept the Request for Continued Examination (RCE) for the above-mentioned application in order to consider a not previously considered reference. In Notice of Allowance paragraph 2, Examiner stated that the information disclosure statement filed September 5, 2008 did not include a concise explanation of the relevance of a non-English language reference.

The information disclosure statement filed September 5, 2008 included French language EP patent EP1067372 filed July 4, 2000. The currently submitted reference, U.S. Patent # 6,426,539 to Vilain, et al., derives from the same priority document as the French language patent, EP1067372. That priority document is French patent FR99 08862 filed July 8, 1999. No translations are readily available; these references are believed to be cumulative prior art over other cited references.

Furthermore, the April 24, 2008 Supplementary European Search Report completed March 31, 2008 categorized the French language EP patent EP1067372 as an "A", relevant for technological background only, not in the "particularly relevant" X or Y category. The related U.S. patent 6,426,539 covers basic microbolometer technology, claiming only dual, spaced, insulated electrodes. The US patent has eight claims; the related EP patent EP1067372 has

eleven claims. The three additional French claims appear to be for a method of fabricating the device of claim 1. The figures appear to be identical. As stated, these references are believed to be cumulative prior art over other cited references.

Applicant herein submits:

- 1) 3 pages Request for Continued Examination PTO/SB/30; and
- 2) 4 pages Information Disclosure Statement Form SB/08A.

The Applicant, BAE Systems Information and Electronic Systems Integration Inc., being the assigned owner of the patent application respectfully requests the Office consider the Information Disclosure Statement and cited references submitted herewith.

No new matter is added. Applicant requests speedy consideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

This RCE is being submitted in good faith and is a bona fide attempt to advance the application pursuant to 37 CFR 1.111.

DEPOSIT ACCOUNT 190130 AUTHORIZATION – The Office is hereby authorized to charge the required fee, and any deficiency or credit any overpayment in the fees to the above deposit account, owned by BAE SYSTEMS Information and Electronic Systems Integration Inc. an authorized signator for which is Kevin M. Perkins, V.P. & Company Counsel, and for whom the undersigned are authorized agents.

Respectfully submitted,

/David A. Rardin, Reg. No. 52,153/

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